

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

BRYAN SOUTHERN,

Plaintiff,

v.

Case No. 15-10499

District Judge Terrence G. Berg

Magistrate Judge Anthony P. Patti

COMMISSIONER OF  
SOCIAL SECURITY,

Defendant.

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**ORDER DISMISSING CASE WITHOUT PREJUDICE  
FOR FAILURE TO PROSECUTE**

On January 12, 2016, this Court entered an order terminating Plaintiff's former attorneys of record and setting new deadlines for filing cross motions for summary judgment. (*See* Dkt. 14.) In that order, the Court notified Plaintiff that if he wanted to continue his case, he had to file a new motion for summary judgment by February 11, 2016. (*Id.* at 2.) If the Court did not receive the motion by that date, Plaintiff's case would be dismissed without prejudice for failure to prosecute. (*Id.* at 3.) The order stated that the deadline would not be extended, and the deadline has now passed. (*See id.* at 2.) As of today's date, the Plaintiff has not filed a new motion for summary judgment or done anything that would indicate he wishes to continue this case. Moreover, no attorney has entered an appearance on his behalf.

As part of its inherent authority to manage its docket, the Court has the power to dismiss a complaint *sua sponte* for failure to prosecute. *Link v. Wabash R.R. Co.*, 370 U.S. 626, 630-32 (1962). Accordingly, this case is hereby **DISMISSED**

**WITHOUT PREJUDICE** for failure to prosecute.

Because this case is being dismissed *without* prejudice, Plaintiff may re-file this case at some point in the future, provided that it is filed before certain deadlines expire. If Plaintiff intends to re-file this case, Plaintiff is strongly encouraged to seek the assistance of an attorney experienced in handling Social Security cases.

**SO ORDERED.**

s/Terrence G. Berg  
TERRENCE G. BERG  
UNITED STATES DISTRICT JUDGE

Dated: February 17, 2016

**Certificate of Service**

I hereby certify that this Order was electronically submitted on February 17, 2016, using the CM/ECF system, which will send notification to each party; a copy of this order was also mailed to Bryan Southern at 1149 W. Genesee, Flint, MI 48505.

By: s/A. Chubb  
Case Manager